

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:25-mj-2526-LFL

UNITED STATES OF AMERICA

v.

**TOMAS NIEMBRO CONCHA and
JUAN FRANCISCO RAMIREZ,**

Defendants.

**CONSENT MOTION TO CONTINUE PRELIMINARY EXAMINATION AND
ARRAIGNMENT AND EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States moves the Court, with the express consent of the defendants, Tomas Niembro Concha and Juan Francisco Ramirez, and the defendants' counsel, both to adjourn the preliminary examination and arraignment in this case to June 6, 2025, and to order that all time from and including March 28, 2025, through June 6, 2025, shall be excluded in computing the time within which an information or indictment must be filed pursuant to 18 U.S.C. § 3161(h). The parties hereby stipulate and agree: (i) that good cause exists to adjourn the preliminary examination and arraignment, and to extend the time to indict in this case; (ii) that the time period from and including March 28, 2025, through June 6, 2025, shall constitute excludable delay under the Speedy Trial Act; and (iii) that the delay is based on the interests of justice due to the unusual factual complexity of the case, the need for time for counsel for the defendants to review materials with the defendants, the need for time for effective preparation taking into account the exercise of due diligence, and the desire of the parties to discuss a potential resolution of the case, all of which are in the interests of justice and outweigh the best interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(7).

In support of this motion, the parties state as follows:

1. On March 15, 2025, defendants Tomas Niembro Concha and Juan Francisco Ramirez were charged in a criminal complaint with conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, and conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h). On March 17, 2025, the defendants made their initial appearance before this Court and were released on bail.

2. The Speedy Trial Act requires that an information or indictment be filed within 30 days of the defendant's arrest or service with summons. Further, under Federal Rule of Criminal Procedure 5.1(c), a magistrate must hold a preliminary hearing no later than 21 days after the initial appearance if the defendant is not in custody. However, a magistrate may extend that time limit set in Rule 5.1(c) with the defendant's consent and upon a showing of good cause. Fed. R. Crim. P. 5.1(d).

3. The parties jointly request that the Court extend the time to indict. Extending the time period to indict would be in the interests of justice in that the additional time is necessary in this case due to the factual complexity of the case, the need for time for counsel for the defendants to review materials with the defendants, the need for time for effective preparation taking into account the exercise of due diligence, and the desire of the parties to discuss a possible resolution of the case, all of which are in the interests of justice and outweigh the best interests of the public and the defendants in a speedy trial. The parties therefore respectfully submit that all time from and including March 28, 2025, through June 6, 2025, should be excluded in computing the time within which an information or indictment must be filed pursuant to 18 U.S.C. § 3161(h).

4. The defendants hereby agree to waive any objections under the Speedy Trial Act

and to extend the government's time to file an indictment or information in this case for the time period specified in this motion. This waiver is made knowingly, intentionally, and voluntarily by the defendants; with full knowledge of the provisions of the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*; and with the advice and consent of counsel.

5. For these same reasons, the parties also request that the preliminary examination and arraignment be adjourned to June 6, 2025.

WHEREFORE, the parties request an order providing that all time from and including March 28, 2025, through June 6, 2025, shall be excluded in computing the time within which an information or indictment must be filed pursuant to 18 U.S.C. § 3161(h), and that the preliminary exam and arraignment be adjourned until June 6, 2025.

Respectfully submitted,

HAYDEN P. O'BYRNE
UNITED STATES ATTORNEY

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Defendant's Signature: I have consulted with my attorney and fully understand all of my rights with respect to a preliminary examination within 21 days after my initial appearance if I am not in custody and a speedy trial, including my right to be charged by information and indictment within 30 days of arrest or service of summons under 18 U.S.C. § 3161(b). I agree that all time from and including March 28, 2025, through June 6, 2025, should be excluded in computing the time within which an information or indictment must be filed by the government for the reasons stated in the motion, and I waive my right to a preliminary examination prior to June 6, 2025. I have read this motion and carefully reviewed every part of it with my attorney. I understand this motion and voluntarily agree to it.

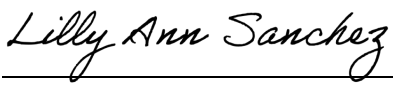
Date: 03/28/25



JUAN FRANCISCO RAMIREZ

Defense Counsel's Signature: I am counsel for the defendant in this case. I have fully explained to the defendant his right to a preliminary examination within 21 days after his initial appearance if he is not in custody and his right to be charged by information and indictment within 30 days of arrest or service of summons. I have reviewed the terms and conditions of 18 U.S.C. § 3161(b), and I have fully explained to the defendant the provisions that may apply in this case. To my knowledge, the defendant's decision to agree to the requested exclusion of time under the Speedy Trial Act and to waive his preliminary examination is an informed and voluntary one.

Date: 03/28/25



LILLY SANCHEZ
Counsel for Juan Francisco Ramirez

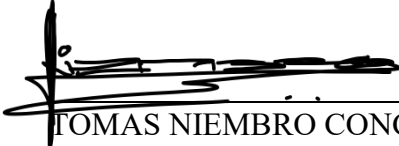
CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2025, I provided a copy of the foregoing pleading to Lilly Sanchez, counsel for Juan Francisco Ramirez, by emailing the same to lsanchez@thelsfirm.com.

s/ Javier Urbina
Javier Urbina

Defendant's Signature: I have consulted with my attorney and fully understand all of my rights with respect to a preliminary examination within 21 days after my initial appearance if I am not in custody and a speedy trial, including my right to be charged by information and indictment within 30 days of arrest or service of summons under 18 U.S.C. § 3161(b). I agree that all time from and including March 28, 2025, through June 6, 2025, should be excluded in computing the time within which an information or indictment must be filed by the government for the reasons stated in the motion, and I waive my right to a preliminary examination prior to June 6, 2025. I have read this motion and carefully reviewed every part of it with my attorney. I understand this motion and voluntarily agree to it.

Date: 03/28/25



TOMAS NIEMBRO CONCHA

Defense Counsel's Signature: I am counsel for the defendant in this case. I have fully explained to the defendant his right to a preliminary examination within 21 days after his initial appearance if he is not in custody and his right to be charged by information and indictment within 30 days of arrest or service of summons. I have reviewed the terms and conditions of 18 U.S.C. § 3161(b), and I have fully explained to the defendant the provisions that may apply in this case. To my knowledge, the defendant's decision to agree to the requested exclusion of time under the Speedy Trial Act and to waive his preliminary examination is an informed and voluntary one.

Date: 03/28/25



JUAN MICHELEN
Counsel for Tomas Niembro Concha

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2025, I provided a copy of the foregoing pleading to Juan Michelen, counsel for Tomas Niembro Concha, by emailing the same to jmichelen@sknlaw.com.

s/ Javier Urbina
Javier Urbina